United Nations CRPD/C/PHL/Q/1

Convention on the Rights of Persons with Disabilities

Distr.: General
25 April 2018

Original: English
English, Russian and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of the Philippines*

A. Purpose and general obligations (arts. 1–4)

1. Please clarify the extent to which the National Council on Disabilities has been effective in formulating disability policies. Please also specify what domestic legislation has been revised in order to harmonize the State party's legal provisions with the Convention and to uphold the rights of persons with disabilities.

2. Please indicate the measures that the State party has adopted to ensure the full and equal involvement of persons with disabilities, in particular the most marginalized groups of persons with disabilities, such as persons with leprosy, through their representative organizations, in decision-making processes and in the drafting of all disability-related legislation, policies, strategies and action plans.

3. Please inform the Committee about measures adopted by the State party to implement the Philippine Development Plan 2017–2022, which aims at reducing the vulnerability of individuals and families, including persons with disabilities, and the Philippine Decade of "Make the Right Real" for Persons with Disabilities for the period 2013–2022.

4. With reference to the concerns given the "utmost priority", identified in paragraph 16 of the State party's report (CRPD/C/PHL/1 and Corr.1), please indicate what the concerns were and how they have been incorporated into the National Plan of Action.

5. Please indicate whether the State party has a clear plan to systematically review the application of the concept of disability in its national legislation in order to bring the law into full conformity with the criteria and principles set out in articles 1 to 3 of the Convention.

6. Please indicate when the State party intends to ratify the Optional Protocol to the Convention.

7. Please inform the Committee on the extent to which the State party has implemented the guidelines issued by the Department of Budget and Management and the Department of Social Welfare and Development, contained in Joint Circular No. 2003-01, on setting aside 1 per cent of the Government's budget quota for programmes and projects dedicated to persons with disabilities.

8. Please inform the Committee about measures taken to implement legislation and policies on reasonable accommodation and universal design. Please also provide detailed information on the outcomes of such measures.

* Adopted by the pre-sessional working group at its ninth session (12–16 March 2018).

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B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

9. Please inform the Committee about the effectiveness of Republic Act No. 7277 of 1992, known as the Magna Carta for Persons with Disabilities, and its subsequent amendments in 2007 and 2016, in addressing issues related to discrimination against persons with disabilities. Please also indicate how effectively the State party monitors the extent to which persons with disabilities are protected against discrimination in the areas of employment, education, health, social services, telecommunications, accessibility and in relation to their participation and inclusion in society.

10. Please provide information on the legal remedies available to persons with disabilities to challenge discriminatory laws and practices. Please also indicate the percentage of such claims for which remedies have been granted and the nature of such remedies.

11. Please explain what efforts have been made by the State party to end the stigma and discrimination suffered by persons with leprosy-related disabilities.

12. Please explain whether persons with leprosy-related disabilities are legally recognized as persons with disabilities under national disability law and what action has been taken by the authorities to repeal laws that discriminate against persons with leprosy-related disabilities.

Women with disabilities (art. 6)

13. Please provide the Committee with data on incidents of discrimination, employment rates, overall educational levels achieved and the incidence of sexual violence and sexual abuse, including sexual exploitation, against women with disabilities. Please inform the Committee about steps taken to implement legislative measures such as Republic Act No. 7877, Republic Act No. 9262, Republic Act No. 9710 and the "Magna Carta of Women" for the protection of women with disabilities against violence.

Children with disabilities (art. 7)

14. Please inform the Committee about any affirmative action measures adopted to support families of girls and boys with disabilities.

15. Please inform the Committee about measures that the State party has adopted to provide for the full enjoyment of human rights by children with disabilities, including by ensuring that they are not subjected to drug trafficking, forced labour and child prostitution.

16. Please indicate to what extent the Unregistered Children Project has been effective in documenting children with disabilities, along with indigenous people and children in street situations.

Awareness-raising (art. 8)

17. Please provide information on any training programmes targeted at members of the legal profession, public officials, police officers, teachers and local government officials to raise awareness of the human rights model of disability and to enhance understanding of the principles of the Convention.

Accessibility (art. 9)

18. Please inform the Committee about the instruments currently in place to monitor the effectiveness of section 25 (barrier-free environment) and section 27 (access to public transport facilities) of Republic Act No. 7277 in ensuring that persons with disabilities have access to public and private buildings.

19. Please inform the Committee about measures taken to ensure access to information and communication technologies in accessible formats, such as Braille, Easy Read and plain language, that are appropriate for persons with disabilities, particularly children with

disabilities in inclusive education settings. Please also inform the Committee about measures to ensure web accessibility.

Situations of risk and humanitarian emergencies (art. 11)

20. Please provide information on the extent to which disaster risk reduction strategies are accessible to and inclusive of persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities, persons with reduced mobility, children with disabilities and persons who are deaf and blind, at every stage of the proceedings. Please provide information on the extent to which persons with disabilities, through their representative organizations, participate in the design, implementation, evaluation and monitoring of disaster and risk reduction strategies and policies.

Equal recognition before the law (art. 12)

21. Please explain whether the legal protection granted under Republic Act No. 9406 recognizes full legal capacity for persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, and provide information on measures to establish supported decision-making schemes that respect the rights, will and preferences of persons with disabilities.

Access to justice (art. 13)

22. Please indicate the extent to which the legal system ensures the provision of procedural and age-appropriate accommodations for persons with disabilities in order to facilitate their effective participation, directly and indirectly, in the judicial system, including through the provision of free legal assistance under Republic Act No. 9406. Please indicate whether professionally trained sign language interpreters are available for deaf persons.

Liberty and security of the person (art. 14)

23. Please provide information on persons with disabilities, particularly persons with intellectual or psychosocial disabilities, who have been deprived of their liberty on the basis of their actual or perceived impairment and explain what legislative and administrative measures have been adopted to ensure that no one is institutionalized or deprived of liberty on the basis of his or her impairment.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

24. Please inform the Committee what measures are available to protect young girls with disabilities against commercial sexual exploitation, including their use in pornography.

Freedom from exploitation, violence and abuse (art. 16)

25. Please inform the Committee whether the State party systematically monitors cases of exploitation, violence and abuse against persons with disabilities, such as their engagement in begging, with or without their consent.

26. Please inform the Committee about the ways in which Republic Act No. 9442, sections 39–42, protects persons with disabilities against abuse and hatred and about the measures adopted to ensure that individuals or groups of individuals who violate the provisions of the Act are sanctioned.

Living independently and being included in the community (art. 19)

27. Please explain whether the promotion of the welfare of persons with disabilities includes a road map for their deinstitutionalization, and inform the Committee about progress achieved so far in this process.

28. Please provide information on the number of persons living in institutions, disaggregated by type of impairment, sex and age, and indicate how far the National Human Rights Action Plan has been effective in implementing deinstitutionalization.

Freedom of expression and opinion, and access to information (art. 21)

29. Please provide information on measures to implement policies on tactile, sign language and other alternative and augmentative means and modes of communication and interpretation services and on measures to ensure access to public documents and the Internet by persons with disabilities, particularly persons with visual and hearing impairments. Please inform the Committee about steps taken to establish Filipino Sign Language as an official language of the State party.

Respect for home and the family (art. 23)

30. Please indicate whether the State party has adopted measures to address situations in which the family may become a barrier that hinders children with disabilities from fully participating in society on an equal basis with others, expressing their opinions and taking part in the decision-making process.

Education (art. 24)

31. Please explain whether the State party has carried out any research on the socioeconomic and cultural benefits of the right to inclusive education, in line with article 24 of the Convention and the Committee's general comment No. 4 (2016) on the right to inclusive education. Please elaborate on the measures that the State party plans to adopt to implement inclusive education for learners with disabilities, with particular reference to measures aimed at implementing the policy of Republic Act No. 7277 and the Zero Reject Policy of the Department of Education.

Health (art. 25)

32. Please inform the Committee about measures adopted to effectively improve access to health-care facilities and services for persons with disabilities at an affordable cost, particularly for children with disabilities and persons with disabilities living in rural areas. Please provide further information on whether public health education is provided in accessible formats for all persons with disabilities.

Habilitation and rehabilitation (art. 26)

33. Please indicate to what extent Republic Act No. 7277 and Republic Act No. 1179, the Vocational Rehabilitation Act of 1954, have been instrumental in providing rehabilitation services, including community-based rehabilitation services, that are based upon the five key elements of the World Health Organization (WHO) framework of community-based rehabilitation. Please also indicate what attempts have been made to link community-based rehabilitation with the relevant articles of the Convention.

34. Please explain to what extent medical, social, educational and vocational rehabilitation services are provided in both urban and rural areas and the types of rehabilitation and habilitation services, such as assistive devices, that are provided, in an accessible and affordable manner, for persons with disabilities.

35. Please indicate any measures taken to amend the Vocational Rehabilitation Act since the State party's ratification of the Convention.

Work and employment (art. 27)

36. Please inform the Committee of the average earnings of workers with disabilities, as compared with the national average. Please also provide information on the proportion of workers with disabilities who receive the statutory minimum income.

37. Please provide data on the effectiveness of the 5 per cent quota system for employment as it applies to different types of impairment, together with data on the employment/unemployment of persons with disabilities disaggregated by sex, age, ethnicity, type of disability and educational level.

Adequate standard of living and social protection (art. 28)

38. Please inform the Committee whether the State party applies the Sustainable Livelihood Self-Employment Assistance Kaunlaran programme of the Department of Social Welfare and Development to persons with disabilities. If so, please indicate how the programme's effectiveness is monitored.

39. Please inform the Committee about the implementation of the 2006 National Policy and Plan of Action on Disability and the Poverty Alleviation Fund and the extent to which they have ensured a decent standard of living for persons with disabilities. With reference to paragraph 196 of the State party's report, please inform the Committee about measures adopted by the State party to address the high percentage of persons with disabilities living in poverty.

Participation in political and public life (art. 29)

40. Please inform the Committee of measures adopted to guarantee the exercise of their political rights by persons with disabilities at the local, regional and national levels. Please also inform the Committee about measures to implement Republic Act No. 10366, which authorizes the Commission on Elections to establish precincts exclusively for persons with disabilities.

Participation in cultural life, recreation, leisure and sport (art. 30)

41. Please inform the Committee whether the implementation of the memorandum issued by the Department of Social Welfare and Development in 2010, entitled "Audit of all national government sports centres on accessibility to persons and athletes with disabilities," resulted in the elimination of barriers hindering the inclusion of persons with disabilities in cultural life, recreation and sport. Please also inform the Committee about steps taken to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

42. Please inform the Committee about measures adopted to improve the availability of high-quality, timely and reliable data disaggregated by income, sex, age, ethnicity, type of disability, geographical location and other characteristics relevant in the national context. Please also inform the Committee about measures to include the Washington Group Short Set of Questions on Disability in censuses and household surveys.

International cooperation (art. 32)

43. Please indicate the extent to which the State party has involved persons with disabilities, through their representative organizations, in the process of international development cooperation by, inter alia, including them in the task of identifying, designing, implementing and monitoring disability inclusive projects.

44. Please inform the Committee about the extent to which the State party has, in line with targets 8.5 and 10.2 of the Sustainable Development Goals, used international cooperation to empower and promote the social, economic and political inclusion of persons with disabilities.

National implementation and monitoring (art. 33)

45. Please inform the Committee of the steps taken to establish an independent national monitoring mechanism in line with article 33 (2) of the Convention and its compliance with the principles relating to the promotion and protection of national human rights institutions (the Paris Principles). Please also provide information on the annual budget allocated to the independent mechanism. Furthermore, please provide information on the measures taken to

ensure the full involvement of organizations of persons with disabilities in monitoring activities.